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| Submitted | <u>February 23, 2005</u> |
| Approved | <u>As Amended</u> |
| Date | <u>February 23, 2005</u> |

MINUTES OF THE ROCKVILLE PLANNING COMMISSION
MEETING NO. 1-05
Wednesday, January 12, 2005

The City of Rockville Planning Commission convened in regular session in the City Hall Council Chamber Room at 7:00 p.m., Wednesday, January 12, 2005

PRESENT

John Britton, Chair
Frank Hilton Gerald Holtz
Brigitta Mullican Kate Ostell
Robin Wiener

Absent: Steven Johnson

Present: Bob Spalding, Chief of Planning
Sandra Block, Assistant City Attorney
Deane Mellander, Planner III
Margaret Hall, Planner II
Tyler Tansing, Commission Secretary

Commissioner Britton thanked Commissioner Hilton for his great work chairing the Planning Commission through a very busy year. Commissioner Britton reviewed the duties of the Planning Commission.

REVIEW AND ACTION

Final Record Plat PLT2004-00434, City Center Subdivision, Macris, Hendricks & Glascock, P.A.

The applicant (Mayor and Council) proposes to resubdivide Lots 4, 18, and Outlot A for an area bounded by East Middle Lane, east side of future North Maryland Avenue, Beall Avenue, and Hungerford Drive.

Mr. Mellander presented a brief overview of the staff report. This proposed plat will create the final two lots for the Town Square project in the Rockville Town Center. It is a resubdivision of Lot 18, which has been previously created plus a creation of a new lot (Lot 24), which encompasses two properties that have recently been acquired by the City as part of the Town Square project. It also involved a street abandonment for a small portion of Maryland Avenue, which the Mayor and Council did approve at its meeting on January 10, 2005.

Commissioner Mullican inquired about the future North Maryland Avenue. Mr. Spalding explained that the naming of North Maryland Avenue was established when the original plat was approved for the previous section of the Town Square development. He pointed out that staff is looking at the addresses along Maryland Avenue because there are some confusing parts to it. He noted that there is concern about the overlapping of address numbers. He said that staff would be bringing this to the Commission as a separate item.

Commissioner Hilton moved, seconded by Commissioner Ostell to approve Final Record Plat PLT2004-00434, City Center Subdivision, Macris, Hendricks & Glascock, P.A. per staff recommendations. The motion passed on a vote of 6-0.

Final Record Plat PLT2004-00437, Roslie M. Campbell et al

The applicant proposes to record the existing deeded lot for the redevelopment of Lot 3, Block F, Simmons Addition to Rockville. The property is located at 375 North Van Buren Street.

Ms. Hall presented an overview of the staff report. She explained that this record plat involves an existing property. It is a substandard lot by today's standard, but it complies with the requirements that it is deemed a buildable lot by Section 25-19(c), which states that if the lot was legally recorded prior to October 1957, it is deemed buildable. In order to make it entirely buildable, Section 25-15 requires that all buildings be erected on a record lot. Therefore, by recording this existing property, it brings it into compliance.

Dick Witmer presented the applicant's request.

Commissioner Mullican moved, seconded by Commissioner Holtz to approve Final Record Plat PLT2004-00437, Roslie M. Campbell et al per staff recommendations. The motion passed on a vote of 6-0.

Final Record Plat PLT2004-00438, Lerner Enterprises

The applicant proposes a one-lot subdivision on the corner of East Gude Drive and Research Boulevard.

Ms. Hall presented the staff report. Ms. Hall stated that the Commission has seen this property before as part of the Comprehensive Planned Development Detailed Application CPD2000-0004I, Falls Grove. It permitted development of property with a 320,000 square foot office building and parking deck.

Eric Hart with Lerner Enterprises presented the request.

Commissioner Holtz moved, seconded by Commissioner Ostell to approve Final Record Plat PLT2004-00438, Lerner Enterprises per staff recommendations. The motion passed on a vote of 6-0.

2003 Annual Report

Mr. Spalding stated that Annual Reports are mandated by State law. This document is essentially a detailed draft of the 2003 Annual Report, but there are a few missing items. One of which is the map and table that go on the maps.

After further discussion regarding the draft Annual Report, Commissioner Mullican moved, seconded by Commissioner Holtz to approve the 2003 Annual Report with editorial changes and comments that may be added to the report at a later date. The motion passed on a vote of 6-0.

COMMISSION ITEMS

Old Business

Commissioner Hilton stated that he had the opportunity to drive down to Veirs Mill Drive and First Street and noticed a piece of property being developed that the Commission addressed many months ago. He said it appears that one of the two houses has been built with the garage entrance facing Viers Mill Drive. If that were the case, in order to have access to that garage, there would have to be a curb cut on Viers Mill Drive. He said he could not imagine that the State or the City would approve that. Mr. Spalding stated that staff will go out and look at the situation and it was his recollection on that application that access was denied on both frontages and the State Highway Administration requested that the applicant widen the alley to 25 feet wide at the entrance to facilitate cars going in and out to serve those two lots. Mr. Spalding noted that he would have to look at the property because there is a service drive that terminates in that area, but he believes it is another lot back.

Commissioner Mullican asked Ms. Block about the Planning Commission's responsibility of naming streets. Ms. Block explained that the Mayor and Council adopted the Subdivision regulations and in those regulations, it gives the authority to the Planning Commission to name streets. Commissioner Mullican brought up an incident that happened last Saturday at the Lincoln Park Civic Association meeting she attended. She said that the Mayor and Council, Judy Christensen (Historic District), and Jim Wasilak (Chief, Long Range Planning) were present. There was a discussion on naming the street, Newmarket Street, and she explained that the Planning Commission already acted on naming the street. Ms. Christensen was very surprised because she did not know that the Planning Commission already named the street (Newmarket Street). Commissioner Mullican stated that she reminded the group that the Planning Commission, on three different meetings, had discussed the naming of that street. At this meeting, the Mayor had indicated to the group that they wanted to reconsider naming the street with a name that would have significance that is more historic. Commissioner Mullican asked Ms. Block what the process is if the street naming were to reopen. Ms. Block explained that the law, under the Zoning Ordinance, the Planning Commission has authority to name streets. That law and the authority rests with the Planning Commission by virtue of a Mayor and Council adopted ordinance, not by virtue of State law. State

law does give the Planning Commission exclusive authority over subdivisions and laying out streets, but not the naming of streets. Ms. Block noted that the Mayor and Council could amend the Zoning Ordinance and alter that authority.

New Business

Commissioner Hilton stated that, Monday night he drove through East Rockville and enjoyed the Christmas lights.

Chief of Planning's Report

Mr. Spalding stated that he individually met with each Commissioner regarding the operation of meetings for 2005. He said he met with Commissioner Britton and they discussed having a more interactive meeting process by setting a limit on each presentation by the applicants as well as staff presentations.

Minutes

Commissioner Hilton moved, seconded by Commissioner Mullican to approve the minutes of Meeting No. 17-04. The motion passed on a vote of 5-0-1, with Commissioner Britton abstaining.

Commissioner Mullican moved, seconded by Commissioner Holtz to approve the minutes of Meeting No. 22-04. The motion passed on a vote of 5-0-1 with Commissioner Ostell abstaining.

Commissioner Mullican moved, seconded by Commissioner Hilton to approve the minutes of Meeting No. 23-04. The motion passed on a vote of 6-0.

Commissioner Mullican moved, seconded by Commissioner Hilton to approve the minutes of Meeting No. 25-04. The motion passed on a vote of 5-0-1 with Commissioner Wiener abstaining.

ADJOURN

After further discussion, the meeting adjourned at 7:26 pm.

Respectfully submitted,

Tyler Tansing, Commission Secretary